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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,878	11/17/2003	Bruce A. Phillips	020366-090000US	5290
20350	7590	09/20/2005		
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER SWERDLOW, DANIEL	
			ART UNIT	PAPER NUMBER
			2646	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/715,878	Applicant(s) PHILLIPS ET AL.	
	Examiner Daniel Swerdlow	Art Unit 2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 through 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Rabenko et al. (WO 01/19005 A1).

3. International application WO 01/19005 A1 is prior art to the instant application under 35 USC 102(b) based on its publication date of 15 March 2001. For convenience, in the rejections below examiner makes reference to column and line numbers in US Patent 6,819,682, the disclosure of which is identical. The only exception is the rejection of Claim 11, which is based on Fig. 1 of Appendix A of the published international application. While the appendices in the published international application are in the prosecution record of the application for US Patent 6,819,682, they are not included in that patent publication.

4. Regarding Claim 1, Rabenko discloses a cable modem (Fig. 2, reference 2600; Fig. 3, reference 2300; column 4, lines 46-55) that corresponds to the network interface device claimed and comprises: an interface to an HFC network (Fig. 2, reference 1010; Fig. 3, reference 2060; column 3, lines 18-20) that corresponds to the external interface claimed and receives internet, television and telephone (i.e., a plurality of telecommunication services) (column 2, line 64-column 3, line 21) using Data Over

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Cable Service Interface Specifications (column 3, lines 47-52); interfaces to an HPNA network, a computer, a telephone and a television receiver (Fig. 2, reference 2015, 2012, 2014; column 3, lines 32-46) that correspond to the at least two distinct internal interfaces claimed and are connected to twisted pair wires, USB cable, telephone cord and coaxial cable that correspond to the internal transport media claimed; and a DOCSIS CPE controller (Fig. 3, reference 2313; column 6, lines 65-66) that corresponds to the processor claimed and receives combined signals from the HFC network interface that corresponds to the external interface claimed and separates and maps those signals to one of the interfaces to an HPNA network, a computer, a telephone and a television receiver that correspond to the internal interfaces claimed (column 3, lines 21-46).

5. Regarding Claim 2, Rabenko further discloses provision of 2-way services such as internet access and telephony via the DOCSIS CPE controller (column 3, lines 40-46).

6. Regarding Claim 3, Rabenko further discloses the interfaces to an HPNA network, a computer and a telephone (Fig. 2, reference 2015, 2012, 2014; column 3, lines 32-46) that correspond to the at least two distinct internal interfaces claimed receive internet and telephone signals (i.e., signals relating to telecommunication services) (column 2, line 64-column 3, line 21) from their respective media.

7. Regarding Claim 4, Rabenko further discloses provision of 2-way services such as internet access and telephony via the DOCSIS CPE controller (column 3, lines 40-46).

As such, Rabenko discloses receiving separate signals from the respective media, and combining them onto the HFC network interface (Fig. 2, reference 1010; Fig. 3, reference 2060; column 3, lines 18-20) that corresponds to the external interface claimed using Data Over Cable Service Interface Specifications (column 3, lines 47-52).

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8. Regarding Claim 5, Rabenko further discloses the DOCSIS CPE controller (Fig. 3, reference 2313) integrates signals from the telephone (Fig. 3, reference 2001) and the HPNA controller (Fig. 3, reference 2311) onto the HFC network interface (Fig. 2, reference 1010; Fig. 3, reference 2060; column 3, lines 18-20) that corresponds to the external interface claimed (i.e., into a combined information set).

9. Regarding Claim 6, Rabenko further discloses an internal interface to a TV set (i.e., coaxial cable) (Fig. 2, reference 2014; column 3, lines 44-46).

10. Regarding Claim 7, Rabenko further discloses an internal interface to an HPNA network (i.e., twisted pair cable) (Fig. 2, reference 2015; column 3, lines 32-34).

11. Regarding Claim 8, Rabenko further discloses an internal interface to an HPNA network (i.e., the twisted pair cable comprises existing telephone wiring) (Fig. 2, reference 2015; column 3, lines 32-34).

12. Regarding Claim 9, Rabenko further discloses use of Ethernet in place of the HPNA network (column 5, lines 46-51).

13. Regarding Claim 10, Rabenko further discloses provision of television, internet and telephone (i.e., video, data and voice) (column 2, line 64-column 3, line 21).

14. Regarding Claim 11, Rabenko further discloses provision of different services via different frequency ranges (Appendix A, Fig. 1).

15. Regarding Claim 12, Rabenko further discloses use of Ethernet and IEEE 802.11 (column 5, lines 46-54).

16. Regarding Claim 13, Rabenko further discloses an internal interface to an HPNA network (Fig. 2, reference 2015; column 3, lines 32-34).

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17. Regarding Claim 14, Rabenko further discloses provision of service from a cable television network and a public telephone network (column 1, lines 57-64).

18. Claims 15 through 28 are essentially similar to Claims 1 through 14 and are rejected on the same grounds.

19. Claims 29 through 42 are essentially similar to Claims 1 through 14 and are rejected on the same grounds.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Swerdlow  
Examiner  
Art Unit 2646

ds

13 September 2005